MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2016/ 2017 SESSION

UCR 2612 – CRIMINAL LAW I

(All Sections / Groups)

19 OCTOBER 2016

Reading Time : 9.00 am – 9.15 am
(15 Minutes)

Answering Time: 9.15 am – 12.15 pm
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 3 pages with 5 Questions only.

3. Attempt **FOUR** out of FIVE questions. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are allowed to bring into the Examination Hall a CLEAN and ORIGINAL copy of:
   i. Penal Code (Revised –1997).
   Students are not allowed to lend or borrow statute(s) during the Examination.

5. Please write your answers in the Answer Booklet provided.

QUESTION 1

Becky a teenager, liked to play practical jokes on others. One day she dressed up as a ghost and went over to her neighbour`s house, Bruce and frightened his two-year old daughter, Delilah. Bruce was in the house and when he saw Becky dressed up as a ghost, frightening his daughter, he became very angry. He took his baseball bat and hit Becky several times hard on her head. Benson who is Becky`s neighbour heard Becky scream and rushed to Bruce`s house only to find Becky lying on the floor. He stopped Bruce and rushed Becky to the hospital. However, Becky died on the way to the hospital.

a) Discuss Bruce`s criminal liabilities and defences.

(15 marks)

b) Assuming Benson **did not** take Becky immediately to the hospital but stopped over at local grocery stall to purchase some cigarettes before reaching the hospital and upon arriving at the hospital he was told that Becky could have been saved, had he brought her earlier. Explain to Bruce the concept of causation and how the **Prosecution** could rely on this concept to establish his guilt.

(10 marks)

(Total: 25 marks)

QUESTION 2

Dusty loved his eleven year nephew Duke very much, and wanted him to grow up to be tough and strong. At times Dusty played dangerous games with his nephew and whose mother often told him that he should not do so, but Dusty never took what she said seriously. One day Dusty was having coffee in his garden and Duke asked his uncle if he could show him how to shoot an arrow. Dusty started using the arrows to shoot at the target, without realising that Duke was running towards the target. An arrow hit Duke and his uncle did all he could to save his nephew, but it was too late. Duke died before the ambulance arrived.

a) Discuss the relevant section/s under the Penal Code that could make Dusty responsible for Duke`s death and the possible defence/s that he could raise.

(15 marks)

b) Discuss by citing relevant cases and authorities, Dusty`s liability if evidence suggests that he was mentally unsound.

(10 marks)

(Total: 25 marks)

Continued...

QUESTION 3

(a) Explain the phrase Burden of Proof by referring to case law.

(12.5marks)

(b) In *Kabiruddin v Emperor*, 35 Cal 368, it was held that:

"The right of self-help when it causes or is likely to cause damage to the person or property of another person, must be restricted..."

Based on the above statement, explain the scope of private defence under the Penal Code and limitations attached to the defence. Support your answer with relevant authorities.

(12.5 marks)

(Total: 25 marks)

QUESTION 4

Atan, 11 years old, participated in a junior class taekwando tournament. In the qualifying round he met Roger, his arch enemy. Atan aimed to do whatever he could to stop Roger from winning the tournament. Atan did a back kick and it landed on Roger's chest after referee had stopped the fight. Roger fell to the ground and he was groaning in pain. Atan claimed that he thought the fight was still going as did not hear the referee's instruction to stop. He panicked and offered to take Roger to the treatment room by carrying Roger on his back. While running to the treatment room, Atan could not carry Roger any longer and accidentally dropped Roger. When they arrived at the treatment room, Dr. Jane told Atan that Roger suffered a broken rib. She also said that Roger should have been brought to the treatment room by a paramedic using a stretcher and not by Atan who merely carried him on his back.

Determine Atan's liability and if there are any possible defences available to him.

(Total: 25 marks)

Continued...

QUESTION 5

Alan was the First Officer on Empress Malaysia, a holiday cruise, in-charge of navigating the steering of the vessel. When the cruise was about to approach her designated landing port, one of Alan's subordinates informed him that there was an empty raft drifting on their way. Panicked by the news, Alan changed the direction of the steering and collided against a fishing boat which was heading towards a different port. Due to the collision, three of the crew members of the fishing boat died and Alan was arrested.

a) Can Alan be charged under the Penal Code?

(15 marks)

b) Can Alan rely on the defence of accident if he claims that he had no intention to cause the collision and that he was certain that there was sufficient room for his vessel to turn?

(10 marks)

(Total: 25 marks)

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